

Article - Public Utilities

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§21-102.

(a) (1) Except as provided in subsection (b) of this section, land used for cemetery purposes may not be condemned unless the Commission adopts a resolution declaring that it is necessary for the public health and safety to acquire the cemetery land, or an easement in the land, immediately by condemnation.

(2) A resolution under this subsection may only be adopted on the affirmative vote of a majority of the commissioners from the county where the cemetery land is located.

(b) (1) The Commission may condemn public or private land used for cemetery purposes, or an easement in the land, without adopting a resolution in accordance with subsection (a) of this section if the land or easement is for the purpose of installing sewer lines or water lines.

(2) Sewer lines or water lines installed on property condemned under paragraph (1) of this subsection shall be constructed underground and enclosed.

(c) The land or easement to be acquired may not disturb:

(1) any existing grave, grave marker, or monument; or

(2) any grave site:

(i) the title to which has been transferred as a result of a bona fide sale or exchange; or

(ii) in which burial rights have vested or been transferred as a result of a bona fide sale or exchange.

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